

AMENDED IN ASSEMBLY APRIL 4, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 525

Introduced by Assembly Member Ting
(Coauthor: Assembly Member Ammiano)
(Coauthor: Senator Leno)

February 20, 2013

An act to amend Section 23039 of, and to add Section 24045.75 to, the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 525, as amended, Ting. Alcoholic beverages: licenses: theaters.

Existing law, the Alcoholic Beverage Control Act, authorizes the Department of Alcoholic Beverage Control to issue a special on-sale general license to any nonprofit theater company, subject to specified requirements. The act provides that a violation of its provisions is a misdemeanor, unless otherwise specified.

This bill would permit the department to issue a special on-sale general license to the operator of any for-profit theater *located in the City and County of San Francisco*, configured with theatrical seating and primarily devoted to live theatrical performances, which would permit sales, service, and consumption of alcoholic beverages in the lobbies and seating areas of the theater *at specified times*. The bill would subject this license to limitations regarding the number of licenses that may be issued in a county and would not require the licensee to operate as a bona fide public eating place. The bill would except a theater to be licensed under its provisions from other prohibitions on public premises licenses, as specified. By expanding the definition of a crime, this bill would impose a state-mandated local program.

This bill would make legislative findings and declarations as to the necessity of a special statute.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 23039 of the Business and Professions
2 Code is amended to read:

3 23039. (a) “Public premises” means:

4 (1) Premises licensed with any type of license other than an
5 on-sale beer license, and maintained and operated for the selling
6 or serving of alcoholic beverages to the public for consumption
7 on the premises, and in which food shall not be sold or served to
8 the public as in a bona fide public eating place, but upon which
9 premises food products may be sold or served incidentally to the
10 sale or service of alcoholic beverages, in accordance with rules
11 prescribed by the department.

12 (2) Premises licensed with an on-sale beer license, in which
13 food shall not be sold or served to the public as in a bona fide
14 public eating place, and in which sandwiches, salads, desserts, and
15 similar short orders shall not be sold and served, in accordance
16 with rules prescribed by the department.

17 (b) “Public premises” does not include railroad dining or club
18 cars, passenger ships, airplanes, or bona fide clubs after the clubs
19 have been lawfully operated for not less than one year; nor does
20 it include historic units of the state park system, premises being
21 operated under a temporary on-sale beer license other than
22 permitted pursuant to Section 24045.5, or on-sale beer licensed
23 stadia, auditoria, fairgrounds, or racetracks; nor does it include
24 nonprofit theater companies licensed pursuant to Section 24045.7;
25 nor does it include theaters licensed pursuant to Section 24045.75;
26 nor does it include winegrowers’ premises.

27 SEC. 2. Section 24045.75 is added to the Business and
28 Professions Code, to read:

1 24045.75. (a) The department may issue a special on-sale
2 general license to the operator of any for-profit theater *located*
3 *within the City and County of San Francisco*, configured with
4 theatrical seating *of at least 1,000 seats* and primarily devoted to
5 live theatrical performances. ~~The~~

6 (b) *The* special on-sale general license shall permit sales, service,
7 and consumption of alcoholic beverages in the lobbies and seating
8 areas of the theater *for two consecutive hours prior to a live*
9 *theatrical performance and one hour after the live theatrical*
10 *performance is completed, subject to Section 25631.* Any special
11 on-sale general license issued pursuant to this section shall be
12 subject to the limitations provided by Section 23816, but shall not
13 be required to be operated as a bona fide public eating place. The
14 theater further shall not be subject to the provisions of Section
15 23793.

16 (c) *For purposes of this section, “for-profit theater” shall not*
17 *include an adult or sexually oriented business, as defined in Section*
18 *318.5 of the Penal Code.*

19 SEC. 3. *The Legislature finds and declares that a special law*
20 *is necessary and that a general law cannot be made applicable*
21 *within the meaning of Section 16 of Article IV of the California*
22 *Constitution because of the unique circumstances and cultural*
23 *importance of for-profit theaters within the City and County of*
24 *San Francisco.*

25 ~~SEC. 3.~~

26 SEC. 4. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 the only costs that may be incurred by a local agency or school
29 district will be incurred because this act creates a new crime or
30 infraction, eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section 17556 of
32 the Government Code, or changes the definition of a crime within
33 the meaning of Section 6 of Article XIII B of the California
34 Constitution.